

ORDINANCE NO. 1823

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE ZONING ORDINANCE BY REZONING CERTAIN REAL PROPERTY FROM THE CITY'S RESIDENTIAL-TEN (R-10) ZONING DISTRICT TO THE RESIDENTIAL -SEVEN (R-7) ZONING DISTRICT (ZC-97-01).

WHEREAS, a Zoning Map Amendment was considered at a public hearing before the Planning Commission on September 9, 1997, and the City Council on October 21, 1997; and

WHEREAS, the City Council finds the application should be approved based on the findings listed below;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of this proposed amendment are as follows:

1. The applicant is requesting this rezoning to develop six residential lots which is allowed under the Low Density Residential Comprehensive Plan (up to 6.7 du per acre) designation. Application has been made on forms prescribed by the City and accompanied by plans drawn to scale.
2. The applicant has provided a detailed site plan which identifies parcel setbacks in compliance with the R-7 District standards, and shows the location of existing and proposed streets and sidewalks. Improvements include development and dedication of 35th Court, sidewalks along the 35th Court and Lake Road frontages, on-site sewer, water, and storm drainage.
3. The proposal is consistent with Land Use Chapter Objective 2 Policies which promotes higher density residential uses close to major streets and transportation facilities. Additionally, the subdivision proposed as a result of this rezoning will meet applicable Low Density Residential Plan Designation standards. Objective 4 Policies are also satisfied by meeting the R-7 development standards for bulk, scale and height for the proposed single family detached residential structures.
4. Transportation Element - Objective 3 Policies are met by the provision of transportation improvements including roadway and sidewalk improvements. Public Facilities Element - Objective 6 Policies are met by the provision of

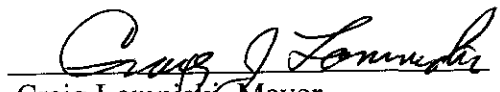
adequate public facilities including a storm sewer collection system. Objective 8 Policies will be met by the provision of fire access and turn around constructed to Fire Department specifications. Finally, Energy Element - Objective 1 Policies are met by increasing density on land adjacent to a transit corridor and by infilling land to take advantage of previously constructed facilities.

5. The applicant has provided a detailed site plan which shows proposed compliance with the development regulations of the R-7 Zoning District. The applicant's plans also demonstrate that adequate public facilities are available or can be provided as part of this request. Additionally, the subdivision is designed so that lot frontages would be oriented away from the adjacent R-10 zoned parcels, and that by providing a cul-du-sac, potential traffic impacts to the surrounding neighborhood will be mitigated.
6. The proposal has been referred to the appropriate State and regional agencies. The proposal complies with Metro's 2040 Urban Growth Boundary infill policies and State Goals 3 and 14 which promote the preservation of agricultural lands by encouraging urban infill.


Section 2. Zoning Map Amendment. The Zoning Map of Ordinance 1712 is hereby amended by rezoning the real property as depicted on Map Exhibit B from the R-10 Zone (Section 301) to the R-7 Zone (Section 302).

Read the first time on October 21, 1997 and moved to second reading by
4 - 0 vote of City Council.

Read the second time and adopted by the City Council on October 21, 1997.


Craig Lomnicki, Mayor

ATTEST:


Pat DuVal, City Recorder

Approved as to form:


O'Donnell, Ramis, Crew, Corrigan & Bachrach